



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Section 83112 of the Government Code and 2 Cal. Code of Regs., Section 18312, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. A public hearing on the proposed regulation will be held on or after **May 12, 2005**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California 95814, commencing at approximately **9:30 a.m.** Written comments to be submitted to the Commission prior to the hearing must be received no later than **5:00 p.m. on May 10, 2005**, at the Commission offices.

#### BACKGROUND/OVERVIEW

*Conflict of Interest Codes:* Generally, under the Political Reform Act (the "Act"),<sup>1</sup> public officials, such as employees, members of boards and commissions or consultants of a state or local government agency, disclose their financial interests in accordance with the conflict of interest code developed by their respective agencies. (Section 87300 et seq.) A code designates positions required to file Statements of Economic Interests ("SEI"), and assigns disclosure categories specifying the types of interests to be reported. Most agencies use the standard conflict of interest code developed by the Commission in regulation 18730.

A conflict of interest code is both adopted by a state agency and approved by the Fair Political Practices Commission (the "Commission") as the code reviewing body. According to the Act, these codes are adopted by the state agency consistent with the Administrative Procedures Act ("APA").

However, certain state agencies, such as the University of California ("UC") and the Legislature are not subject to the notice requirement of the APA. Due to this fact, over the years, Commission staff and these agencies have developed hybrid procedures for

enacting codes and code amendments. Staff is asking the Commission to consider adoption of regulation 18750.2 to codify a procedure for agencies that are not subject to the APA.

*Reporting by Person or Persons at an Institution of Higher Education with Principal Responsibility for a Research Project:* Under the Act, all public officials must disclose all of his or her economic interests which could foreseeably be affected by the exercise of the official's duties. In addition, public officials are prohibited from participating in any governmental decision which will have a foreseeable and material financial effect on his or her economic interests. However, the Commission has adopted a specialized regulation for educational decisions. That regulation provides that disclosure and disqualification is not required for teaching decisions and certain research decisions.

Consistent with this regulation, researchers with principal responsibility for a project (referred to as "principal investigators" or "PI's") have had specialized disclosure and disqualification rules. However, the procedures that apply the specialized disclosure and disqualification rules have never been specifically set forth in a regulation. Proposed regulation 18755 would set forth the filing requirements for PI's. In addition, the proposed regulation codifies for the first time a list of nonprofits that need not be disclosed under these specialized rules. In the past the Commission has approved this list and additions to the list, but the list was only publicized by the UC (currently on the UC website) and has never before been codified.

#### DISCUSSION OF PROPOSED REGULATORY ACTION

**Regulation 18750.2:** Proposed regulation 18750.2 (Procedures for the Promulgation and Adoption of Conflict of Interest Codes for State Agencies Exempt from the Administrative Procedures Act) mirrors the language and process of regulation 18750 (Procedures for the Promulgation and Adoption of Conflict of Interest Codes for State Agencies). Regulation 18750.2 differs from 18750 only in the elimination of the requirement that the proposed code or code amendment be noticed in the fashion required by the APA. Staff has included an alternative requirement to ensure that the proposed code is developed in a manner which guarantees officers, employees, members, and consultants of the agency and residents of the jurisdiction, adequate notice and a fair opportunity to present their views. (Section 87311.) The proposed regulation requires posting the notice on the home page of the agency website.

**Regulation 18702.4 and 18755:** Staff proposes two regulatory changes concerning principal investigators of the University of California and California State University System.

<sup>1</sup> Government Code sections 81000–91014. Commission regulations appear at Title 2, sections 18109–18997, of the California Code of Regulations.

*Amend Regulation 18702.4:* Regulation 18702.4 is amended simply to cross-reference new regulation 18755, which provides greater specificity to the disclosure obligations of PI's. Since regulation 18702.4 is primarily a disqualification provision, staff has opted to place the disclosure rules in a new regulation, regulation 18755.

*Adopt New Regulation 18755—Statements Of Economic Interest: Person or Persons at an Institution of Higher Education with Principal Responsibility for a Research Project.*

Subdivision (a) describes when filing of an SEI may be triggered. It provides that disclosure shall be required under Government Code section 87302 or any conflict of interest code in connection with a decision made by a person or persons at an institution of higher education with principal responsibility for a research project to undertake such research, if it is to be funded or supported, in whole or in part by:

- “(1) A contract or grant from a nongovernmental entity sponsor, or
- “(2) Other funds from a nongovernmental entity earmarked by the donor for a specific research project or for a specific researcher.”

The remaining subdivisions are all technical in nature:

- Subdivision (b) describes types of filings, including “initial” filings, “interim,” and “final” filings.<sup>2</sup>
- Subdivision (c) describes the content of statements generally.
- Subdivision (d)(1) codifies the list of exempt private entities (see draft regulation 18755 in Attachment 1: Proposed regulations).
- Subdivision (d)(2) codifies the criteria that are applied for inclusion on the list of exempt entities as noted above.

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Effect on State Government. This regulation will have no fiscal impact on any state agency or program.

Fiscal Effect on Federal Funding of State Programs. This regulation will have no fiscal impact on any federally funded state program or agency.

#### AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

<sup>2</sup> Note that the University of California has requested that the final statement requirement be eliminated.

#### REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections as follows:

Regulation 18702.4: sections 87100, and 87103.

Regulation 18750.2: sections 87300, 87303, and 87306.

Regulation 18752: sections 87300, 87303, and 87306.

#### CONTACT

Any inquiries concerning the proposals should be made to John W. Wallace, Fair Political Practices Commission, 428 J Street, Eighth Floor, Sacramento, California 95814, telephone (916) 322-5660. Proposed regulatory language can be accessed at

[www.fppc.ca.gov](http://www.fppc.ca.gov).

#### ADDITIONAL COMMENTS

After the hearing, the Fair Political Practices Commission may adopt the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Fair Political Practices Commission may make changes to the proposed regulation before its adoption.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

#### AMENDMENT

#### STATE AGENCY:

Fair Employment and Housing Commission

A written comment period has been established commencing on **March 11, 2005**, and closing on **April 25, 2005**. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.



The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than April 25, 2005. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### **COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### **EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### **AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### **REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### **CONTACT**

Any inquiries concerning the proposed conflict of interest code(s) should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### **AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 2. LABOR AND WORKFORCE DEVELOPMENT AGENCY**

NOTICE IS HEREBY GIVEN that the Labor and Workforce Development Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Labor and Workforce Development Agency proposes to amend its Conflict-of-Interest Code to include employee and board positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

To reflect the current organizational structure of the Agency, this amendment will: (1) add 10 designated Labor and Workforce Development Agency staff positions; (2) add the members of the California Economic Strategy Panel as designated positions to the Agency's Conflict-of-Interest Code; and (3) add 3 designated California Business Investment Services (CalBIS) positions to the Agency's Conflict-of-Interest Code.

The added designated Labor and Workforce Development Agency staff positions are: Assistant Secretary of Workforce Strategies; Director of Communications for Employment Issues; Staff Services Manager III; Staff Services Manager I (Specialist); Staff Services Manager I; Special Assistant; Staff Counsel; Associate Governmental Program Analyst; Research Program Specialist II; and Staff Information Systems Analyst (Specialist).

The added designated CalBIS staff positions are: Staff Services Manager II (Supervisor); Staff Services Manager I (Specialist); and Associate Governmental Program Analyst.

Copies of the amended code are available and may be requested from the Contract Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing

no later than May 11, 2005, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 26, 2005, which is 15 days before the close of the written comment period, by contacting the Contact Person set forth below.

The Labor and Workforce Development Agency has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Labor and Workforce Development Agency has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Labor and Workforce Development Agency must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Deanna Fong, Staff Counsel  
Labor and Workforce Development Agency  
801 K Street, Suite 2101  
Sacramento, CA 95814  
(916) 327-9064  
[Deanna.Fong@Labor.ca.gov](mailto:Deanna.Fong@Labor.ca.gov)

## **TITLE 2. OFFICE OF THE INSPECTOR GENERAL**

NOTICE IS HEREBY GIVEN that the Office of the Inspector General, pursuant to the authority vested in it by section 87306 of the Government Code, proposes

amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of the Inspector General proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

The purpose of this amendment is to add the positions of Senior Special Assistant Inspector General and Special Assistant Inspector General and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than May 9, 2005, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than April 24, 2005 by contacting the Contact Person set forth below.

The Office of the Inspector General has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of the Inspector General must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Brett Morgan  
Chief Deputy Inspector General  
 Office of the Inspector General  
 P.O. Box 348780  
 Sacramento, CA 95834  
 (916) 830-3600

## **TITLE 2. STATE ALLOCATION BOARD**

### **NOTICE OF PROPOSED REGULATORY ACTION**

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation section contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### **AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing an amendment to this regulation section under the authority provided by Section 17070.35 of the Education Code. The proposal interprets and makes specific reference to Sections 17072.10 and 17074.10 of the Education Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At the October 27, 2004 SAB meeting, the Board adopted an emergency regulatory amendment to existing Regulation Section 1859.2, specifically relating to the Class B Construction Cost Index definition. Education Code Section 17072.10(b) states "The board shall annually adjust the per-unhoused-pupil apportionment to reflect construction cost changes, as set forth in the statewide cost index for class B construction as determined by the board." The proposed regulatory amendment deletes reference to a specific cost index, thereby allowing the Board flexibility in selecting the most appropriate Class B construction cost index that aligns a more accurate measurement of the costs associated with the construction industry in California.

#### **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulation.

#### **ECONOMIC IMPACT**

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.



- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### **EFFECT ON SMALL BUSINESSES**

It has been determined that the adoption of the regulation section will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. This regulation only applies to school districts for purposes of funding school facility projects.

#### **SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than May 9, 2005 at 5:00 p.m. The express terms of the proposed regulation as well as the Initial Statement of Reasons is available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulation  
Coordinator

Mailing Address: Office of Public School  
Construction  
1130 K Street, Suite 400  
Sacramento, CA 95814

E-mail Address: [robert.young@dgs.ca.gov](mailto:robert.young@dgs.ca.gov)

Fax No.: (916) 445-5526

#### **AGENCY CONTACT PERSONS**

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to Lisa Jones, Supervisor, Regulations Team, at (916) 322-1043.

#### **ADOPTION OF REGULATIONS**

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulation.

The modified regulation will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulation during the 15-day period.

#### **SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

#### **RULEMAKING FILE**

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulation for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

#### **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested



from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

## TITLE 12. DEPARTMENT OF VETERANS AFFAIRS

### NOTICE OF PROPOSED RULEMAKING

#### **Adopt Regulations 460 and 461 to Establish Eligibility Requirements for Burial in a State Veterans Cemetery**

**NOTICE IS HEREBY GIVEN** that the Department Of Veterans Affairs (Department) proposes to adopt Sections 460 and 461 of Title 12 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Military and Veterans Code section 700 (Department of Veterans Affairs) and to implement, interpret, and make specific Military and Veterans Code section 1400 (Northern California Veterans Cemetery). This proposal is intended to establish the eligibility requirements for interment in a state veterans cemetery.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

State law (Military and Veterans Code Section 1400) requires the Department to adopt regulations to specify the eligibility requirements for interment in the Northern California Veterans Cemetery. The proposed regulations would define the terms; make the state eligibility requirements for burial in a state veterans cemetery equivalent to the requirements for burial in a national cemetery; and provide for the Department's collection of information in order to determine eligibility. The proposed regulations would incorporate by reference Title 38 (Pensions, Bonuses, and Veterans' Relief) of the Code of Federal Regulations (CFR), Section 38.620 (Persons Eligible for Burial).

If the proposed regulations are adopted the eligibility requirements for burial in a state veterans cemetery would incorporate by reference the following language:

#### CODE OF FEDERAL REGULATIONS

Title 38: Pensions, Bonuses, and Veterans' Relief  
Part 38—National Cemeteries Of The Department  
Of Veterans Affairs

#### § 38.620 Persons eligible for burial.

The following is a list of those individuals who are eligible for burial in a national cemetery:

(a) Any veteran (which for purposes of this section includes a person who died in the active military, naval, or air service).

(b) Any member of a Reserve component of the Armed Forces, and any member of the Army National

Guard or the Air National Guard, whose death occurs under honorable conditions while such member is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while such member is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(c) Any Member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while such member is—

(1) Attending an authorized training camp or on an authorized practice cruise;

(2) Performing authorized travel to or from that camp or cruise; or

(3) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while such member is—

(i) Attending that camp or on that cruise;

(ii) Performing that travel; or

(iii) Undergoing that hospitalization or treatment at the expense of the United States.

(d) Any person who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, whose last such service terminated honorably, and who was a citizen of the United States at the time of entry on such service and at the time of his or her death.

(e) The spouse, surviving spouse, minor child, or unmarried adult child of a person eligible under paragraph (a), (b), (c), (d), or (g) of this section. For purposes of this section—

(1) A surviving spouse includes a surviving spouse who had a subsequent remarriage;

(2) A minor child means an unmarried child under 21 years of age, or under 23 years of age if pursuing a full-time course of instruction at an approved educational institution; and

(3) An unmarried adult child means a child who became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a full-time course of instruction at an approved educational institution.

(f) Such other persons or classes of persons as may be designated by the Secretary.

(g) Any person who at the time of death was entitled to retired pay under chapter 1223 of title 10, United States Code, or would have been entitled to retired pay under that chapter but for the fact that the person was under 60 years of age.

(h) Any person who:

(1) Was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States at the time of their death; and

(2) Resided in the United States at the time of their death; and

(3) Either was a—

(i) Commonwealth Army veteran or member of the organized guerillas—a person who served before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including organized guerilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who died on or after November 1, 2000; or

(ii) New Philippine Scout—a person who enlisted between October 6, 1945, and June 30, 1947, with the Armed Forces of the United States with the consent of the Philippine government, pursuant to section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who died on or after December 16, 2003.

#### **PUBLIC COMMENT**

The Department hereby requests written comments on the proposed actions. All written comments must be received at the Department no later than 5:00 p.m. on May 9, 2005. Written comments should be directed to Jack Kirwan, Chief, Veteran Services Division, California Department of Veterans Affairs, 1227 O Street, Suite 105, Sacramento, California 95814, or by fax at (916) 653-2563, or by e-mail to [jack.kirwan@cdva.ca.gov](mailto:jack.kirwan@cdva.ca.gov). All written comments must include the true name and mailing address of the commentor.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing, no later than 15 days prior to the close of the public comment period, that a public hearing be held.

#### **AVAILABILITY OF STATEMENTS**

The proposed regulations (express terms), as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Jack Kirwan, Chief, Veteran Services Division, California Department of Veterans Affairs, 1227 O Street, Suite 105, Sacramento, California 95814, phone (916) 653-2573 during the hours of 8:00 AM to 5:00 PM.

Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Jack Kirwan at the preceding address or phone number.

Copies of the Initial Statement of Reasons, including the regulatory language (express terms), may be obtained from the above address. Notice of the proposed action shall be posted on the Department of Veterans Affairs' website at <http://www.cdva.ca.gov>.

#### **ADOPTION OF PROPOSED REGULATIONS**

Following the close of the public comment period, the Department may adopt the proposal substantially as set forth without further notice or the Department may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Department makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by the Department during the public comment period, and to all persons who request notification from the Department of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Department will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested by writing to the address, or calling the phone number under Contact Persons at the end of this notice, or by viewing the document on the Department Internet website at the Internet address cited above.

#### **ESTIMATE OF ECONOMIC IMPACT**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Programs Mandated on Local Agencies or School Districts: NONE.
- (b) Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- (c) Non-discretionary Costs/Savings to Local Agencies: NONE.
- (d) Costs or Savings to State Agencies: NONE.
- (e) Costs/Savings in Federal Funding to the State: NONE.

- (f) Effect on Housing Costs: The Department has made an initial determination that the proposed action would have no effect on housing costs.
- (g) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States: The Department has made an initial determination that the proposed action will not have any statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- (h) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: The proposed action will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses in the state. The proposed action will not create or expand businesses in the State of California.
- (i) Cost Impacts on a Representative Private Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (j) The Department has determined that the adoption of these regulations will have no effect on California businesses, including small businesses, because the proposed action sets eligibility requirements for individuals seeking to be buried in a state veterans cemetery and thus does not impact California businesses, including small businesses.

#### CONSIDERATION OF ALTERNATIVES

To take this action, the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to:

##### Primary Contact

Jack Kirwan  
Chief, Veterans Services Division  
1227 O Street, Suite 105  
Sacramento, CA  
Telephone: 916.653.2573  
FAX: 916.653.2563  
E-mail: [Jack.Kirwan@cdva.ca.gov](mailto:Jack.Kirwan@cdva.ca.gov)

##### Secondary Contact

Ralph Cansimbe, Manager  
at the same address and phone numbers listed above  
E-mail at [Ralph.Cansimbe@cdva.ca.gov](mailto:Ralph.Cansimbe@cdva.ca.gov).

## TITLE 14. STATE COASTAL CONSERVANCY

### NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the State Coastal Conservancy, pursuant to the authority vested in it by section 87306 of the Government Code, proposes an amendment to its Conflict-of-Interest Code. The purpose of this amendment is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The State Coastal Conservancy proposes to amend its Conflict-of-Interest Code to include a new employee position that involves the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds a new position the list of designated employees, that of Senior Information Systems Analyst, to reflect the current organizational structure of the Conservancy. Copies of the amended code are attached to this Notice, and may be obtained from the Contact Person below.

The proposed amendments will be considered by the Coastal Conservancy at its public hearing on May 18, 2005. Information about the location of the hearing and a copy of the agenda may be obtained after May 10 by contacting the Contact Person set forth below. Any interested person may submit written statements, arguments, or comments relating to the proposed amendment by submitting them in writing to the Contact Person at the address set forth below no later than May 23, 2005, or at the public hearing, whichever comes later.

The State Coastal Conservancy has prepared a written explanation of the reasons for the proposed amendment and has available the information on which the amendment is based, as follows:

This amendment adds the position of Senior Information Systems Analyst as a "designated employee" who is required to file statements of economic interest under provisions of the Political Reform Act (Government Code Section 81000 *et seq.*) and the standard conflict of interest code set forth in 2 Cal. Code of Regulations Section 18730, which is incorporated by reference in the Conflict of Interest Code of the State Coastal Conservancy. The Senior Information Systems Analyst is a new position for the Conservancy, and is involved in the



making or participation of making of decisions with regard to the provision of goods, services, materials or facilities to the Conservancy, which may have a material financial effect on any financial interest of the employee. This amendment would require that any such financial interest be disclosed. Pursuant to regulations and policies of the Fair Political Practices Commission, the inclusion of new positions is a substantive amendment (2 Cal. Code of Regulations §§ 18750, 18752). No other provisions of the Conflict of Interest Code will be affected by this amendment.

The State Coastal Conservancy has determined that the proposed amendment:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the State Coastal Conservancy must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Marcia Grimm, Senior Staff Counsel  
State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612  
(510) 286-1084  
mgrimm@scc.ca.gov

## TITLE 16. PHYSICAL THERAPY BOARD

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Burbank Airport Hilton and Convention Center, 2500 Hollywood Way, Burbank, California 91505, (818) 843-6000 at 9:30 a.m. on Thursday, May 12, 2005. Written comments, including

those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physical Therapy Board of California at its office not later than 5:00 p.m. on May 9, 2005 or must be received at the hearing. The Physical Therapy Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 125.9 and 2615 of the Business and Professions Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### 1) Amend Section 1399.25.

Section 125.9 of the Business and Professions Code authorizes a system for the issuance of a citation to a licensee which may contain an order of abatement or an order to pay an administrative fine assessed by the board when the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

Existing Section 1399.25 currently authorizes the Executive Officer of the Physical Therapy Board of California to issue citations containing orders of abatement and fines for violations by physical therapists and physical therapist assistants.

The proposed amendments to Section 1399.25(c) would reduce the retention period of issued citations from seven (7) years to three (3) years from the date of issuance, with additional authority to extend the retention period of three (3) years from the date of one or more subsequent citations issued within that three (3) year period. The proposal does not affect withdrawn or dismissed citations, which shall continue to be purged immediately upon withdrawal or dismissal.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None



Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses: The board has determined that this regulatory proposal would not have an impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The Physical Therapy Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Physical Therapy Board of California has determined that the proposed regulations would not affect small businesses and would only effect individual applicants and licensees.

#### CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of the reasons and all of the other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 1418 Howe Avenue, Suite 16, Sacramento, California 95825.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be addressed to:

Mike McCormick  
1418 Howe Avenue, Suite 16  
Sacramento, CA 95825  
(916) 561-8280  
(916) 263-2560—Fax Number  
[Mike\\_McCormick@dca.ca.gov](mailto:Mike_McCormick@dca.ca.gov)

The backup contact person is:

Rebecca Marco  
1418 Howe Avenue, Suite 16  
Sacramento, CA 95825  
(916) 561-8260  
(916) 263-2560—Fax Number  
[Rebecca\\_Marco@dca.ca.gov](mailto:Rebecca_Marco@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Mike McCormick at (916) 561-8200.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.ptb.ca.gov](http://www.ptb.ca.gov).

## TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

### NOTICE OF PROPOSED RULEMAKING

#### Associate Behavior Analysts

The Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations, Division 2, Chapter 3, Subchapter 2 by amending section 54319.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on May 11, 2005. Please submit any written comments to the DDS contact persons no later than 5:00 p.m. on May 11, 2005.

### **NO PUBLIC HEARING**

No public hearing is scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

### **AUTHORITY AND REFERENCE**

Authority: Sections 4405 and 4648(a), Welfare and Institutions Code; and Section 11152, Government Code.

Reference: Sections 4631 and 4648(a), Welfare and Institutions Code.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The category of Behavior Analyst became effective on June 2, 2001. The category of Associate Behavior Analyst became effective on May 29, 2004, thereby permitting individuals certified by the national certification board as Associate Behavior Analysts to provide services to the developmentally disabled. At the time of the last amendment, Title 17, California Code of Regulations, section 54319 should also have been amended to indicate that behavioral analysis services may also be provided by group practices. This proposed amendment indicates those services may also be provided by group practices.

### **SECTION 54319—GROUP PRACTICES**

This amendment adds the category of Associate Behavior Analyst to the listing of services that applies to both individuals and group practices.

### **SMALL BUSINESS DETERMINATION**

DDS has determined that the proposed regulations will not affect small business. Associate Behavior Analysts will be employed by regional centers to provide services to the developmentally disabled, none of which are considered a small business.

### **LOCAL MANDATE DETERMINATION**

DDS has determined that the proposed regulatory actions do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630; 4) other nondiscretionary costs or savings imposed on local agencies; or 5) costs or savings in federal funding to the state.

### **ASSESSMENT STATEMENT**

DDS has determined that the proposed regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the

elimination of existing businesses within California; or the expansion of businesses currently operating in California.

DDS has made an initial determination that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states; or 2) a significant effect on housing costs.

### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **ALTERNATIVES CONSIDERED**

DDS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DDS would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearings.

### **CONTACT PERSON**

Comments and inquiries concerning the proposed action may be directed to:

Diana Nicolaou  
1600 9th Street, MS 3-9  
Sacramento, CA 95814  
Telephone: (916) 654-1760  
FAX: (916) 654-2775  
Email: [dnicolao@dds.ca.gov](mailto:dnicolao@dds.ca.gov)

If Ms. Nicolaou is unavailable, comments and inquiries may be directed to:

Greg Wagner  
1600 9th Street, MS 3-15  
Sacramento, CA 95814  
Telephone: (916) 653-0805  
FAX: (916) 654-3666  
Email: [gwagner@dds.ca.gov](mailto:gwagner@dds.ca.gov)

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the Initial Statement of Reasons and text of the proposed regulations, along with all other public records,

reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the Internet at [www.dds.ca.gov](http://www.dds.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations revised. If the text is modified, the text may be viewed over the Internet at [www.dds.ca.gov](http://www.dds.ca.gov). Please send requests for copies of any modified regulations to the contact persons named above.

#### FINAL STATEMENT OF REASONS

When the Final Statement of Reasons is available, it may be viewed over the Internet at [www.dds.ca.gov](http://www.dds.ca.gov). Additionally, requests for the Final Statement of Reasons could be made to the contact persons named above.

### GENERAL PUBLIC INTEREST

#### BOARD OF CHIROPRACTIC EXAMINERS

#### NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Board of Chiropractic Examiners is providing notice of changes made to proposed regulation section 361 which was the subject of a regulatory hearing on October 21, 2004. These changes are in response to comments received regarding the proposed regulation. A copy of the modified text is enclosed.

If you have any comments regarding the proposed changes, the Board will accept written comments from March 25, 2005, through April 9, 2005. All written

comments must be submitted to the Board no later than 5:00 p.m. on April 9, 2005, and addressed to:

David Hinchee, Assistant Executive Director  
Board of Chiropractic Examiners  
2525 Natomas Park Drive, Suite 260  
Sacramento, CA 95833-2931

All written comments received on April 9, 2005, which pertain to the indicated changes, will be reviewed and responded to by the Board's staff as part of the compilation of the rulemaking file. Please limit your comments to the modified text.

#### DEPARTMENT OF CONSERVATION

##### NOTICE

#### PROCESSOR AND RECYCLING CENTER PERMANENT REGULATIONS NOTICE FILE # Z-05-0105-01 EXTENSION OF 45-DAY PUBLIC COMMENT PERIOD

The Department of Conservation, Division of Recycling is extending the 45-day public comment period for the Processor and Recycling Center Permanent Regulations. The 45-day public comment period for these proposed regulations ended on March 7, 2005. The Department is extending this public comment period for an additional 30 days. The extended public comment period will end on April 6, 2005. A request from the public to extend the comment period for an additional 30 days was received and accepted by the Department.

Copies of the text, the express terms of the proposed action, the initial statement of reasons, and all of the information upon which this proposal is based are available upon request and at our website: [www.conservation.ca.gov](http://www.conservation.ca.gov). **The Notice of Proposed Action, the Initial Statements of Reasons, and the text have not been revised since the 45-Day Public Comment Period began on January 21, 2005.**

Written comments should be sent to the Department and received before the close of the public comment period, no later than 5:00 p.m. on April 6, 2005. We request that written comments reference a subsection or section of the proposed action. Submit your written comments to: Karen Denz, Processor and Recycling Center Permanent Regulations, Department of Conservation, Division of Recycling, 801 "K" St., MS 19-02, Sacramento, CA 95814. During this additional 30-day comment period, written comments may also be E-mailed to: [DORRegulations@consrv.ca.gov](mailto:DORRegulations@consrv.ca.gov), or faxed to (916) 327-8668.

Contact Karen Denz at (916) 322-1899 or Eloisa Hernandez at (916) 327-2757, if you have any questions regarding these proposed regulations.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2005-005-06

**PROJECT:** Clean-up activities at Potrero Creek Property

**LOCATION:** 9,117 acres in the southernmost portion of the City of Beaumont, Riverside County, south of Interstate 10 and west of State Highway 79.

**NOTIFIER:** Mr. Gene Matsushita, Lockheed Martin Corporation Properties 2550 North Hollywood Way, Suite 301, Burbank, CA 91505

### BACKGROUND

The Project includes a number of clean-up activities on the 9,117-acre Potrero Creek property that the Wildlife Conservation Board ("WCB") purchased from the Lockheed Martin Corporation ("LMC") in 2003. Under terms of the purchase agreement, LMC is required to perform the following clean-up activities: removing identified trash and debris; removing personal property from Building 315 and eliminating access to the building; transferring title to a trailer located next to Building 315; filling a 6-foot diameter structure with clean soil; removing rebar from a concrete pad near Building 315; eliminating access to Building 304; removing an above-ground storage tank west of Building 304; removing and filling in identified features at Building 305; removing Building 307; lead paint assessment and abatement in Buildings 325, 312, 311 and 304; abandoning three idle production wells; removing air conditioning equipment at Building 305; removing an electrical enclosure around motor washout area south of Building 315; and removing and disposing of electrical transformers on poles. Implementation of the Project as proposed will result in direct and indirect temporary impacts to 1.5 acres of SKR habitat. The 1.5 acres represents less than 0.05 percent of the SKR-occupied habitat on the Potrero site. The Project is more specifically described in U.S. Fish and Wildlife Service ("Service") Biological Opinion No. FWS-WRIV-872.2 dated December 28, 2004.

Because of the Project's potential to result in take of the Stephen's kangaroo rat ("SKR"), a species protected by the federal Endangered Species Act, the Service issued the Biological Opinion to describe the proposed activities' impacts on SKR and its habitat, and to make findings required by Section 7 of the Endangered Species Act. This Biological Opinion was part of an internal consultation required because the Service contributed funds for acquisition of the Potrero Creek property.

SKR is also listed as a threatened species under the California Endangered Species Act, Fish and Game Code Section 2050 et seq ("CESA"). On February 9, 2005, the Director of the Department of Fish and Game ("DFG") received a request from LMC pursuant to Section 2080.1 of the Fish and Game Code that DFG find the federal biological opinion consistent with CESA.

### DETERMINATION

After reviewing the above-referenced biological opinion and other relevant documents, DFG has determined that Biological Opinion FWS-WRIV-872.2 ("Biological Opinion") is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Important to DFG's findings are several measures from the biological opinion that address expected or potential impacts to SKR. These include, but are not limited to, the following:

- 1) LMC will ensure that a biologist is present at the project site during all cleanup activities to minimize take of SKR,
- 2) Activities will be limited to daylight hours,
- 3) LMC will minimize the damage to burrows by heavy equipment by implementing load-spreading measures,
- 4) Driving and staging areas will be limited to the smallest possible area and will be established in low burrow density areas, as directed by the site biologist, and
- 5) LMC will remove 1.5 acres of concrete and asphalt and replace it with imported clean soil to create new SKR habitat.

DFG believes the Project will provide a benefit to SKR over time by providing additional habitat that may be occupied by the species.

Pursuant to section 2080.1 of the Fish and Game Code, authorization under CESA will not be required for incidental take of SKR provided the Project and the identified conservation measures are implemented as described in the Biological Opinion. If there are any substantive changes to the project as described in the Biological Opinion, including changes to the mitigation measures, or if the Service amends or replaces the Biological Opinion, Lockheed Martin Corporation Properties will need to obtain a new Consistency Determination or a CESA incidental take permit from DFG for any Project activities that might result in take of SKR.



## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION FISH AND GAME CODE SECTION 2080.1 CESA NO. 2080-2005-004-03

Project: Route 4 Bypass Segment 1  
Location: Contra Costa County  
Notifier: State Route 4 Bypass Authority

#### BACKGROUND

The State Route 4 Bypass Segment 1 Project in Contra Costa County, California will connect with State Route 4 on the north, and extend to Lone Tree Way as a multi-lane, grade separated freeway. Segment 1 also includes the construction of a wetlands mitigation basin situated between State Route 4 and existing Neroly Road, north of the Contra Costa Canal. Segment 1 is approximately 3.2 miles and will be accomplished in 2 phases. Segment 1, Construction Package 1, involved completion of a bridge at the junction of existing State Route 4 and the State Route 4 bypass. Construction Package 2 will be construction of 6 travel lanes from State Route 4/ Highway 160 south to Laurel Road, and a 4 lane facility from Laurel Road to Lone Tree Road. This segment also includes a bridge crossing of the Contra Costa Canal, enclosure of the Contra Costa Canal in twin 9 foot diameter box culverts, and relocation of 2 sets of overhead transmission lines.

Because of the Project's potential to take species protected by the federal Endangered Species Act, on September 22, 2004, the U.S. Fish and Wildlife Service (Service) issued Biological Opinion No. 1-1-04-F-0282 for the State Route 4 Bypass Segment 1, describing the project actions and setting forth measures to mitigate impacts to the San Joaquin kit fox (*Vulpes macrotis mutica*) and its habitat. San Joaquin kit fox is also listed as a threatened species under the California Endangered Species Act, Fish and Game Code Section 2050 et seq (CESA). On January 31, 2005, the Director of the Department of Fish and Game (DFG) received a request from Richard T Loewke, representing State Route 4 Bypass Authority, pursuant to Section 2080.1 of the Fish and Game Code that DFG find the federal biological opinion consistent with CESA.

Implementation of the proposed project will result in the loss of 63.2 acres of grasslands and 25.6 acres of agricultural lands which provide suitable habitat for the San Joaquin kit fox. This loss will be compensated for by the protection and management in perpetuity of at least 88.8 acres of suitable kit fox habitat in a location consistent with the conservation strategy drafted for the proposed East Contra Costa Habitat Conservation Plan/Natural Communities Conservation Plan. This will be accomplished by September 22,

2006, which is 2 years after the date of biological opinion 1-1-04-F-0282. To ensure funding of the compensation measures proposed by the notifier, the State Route 4 Bypass Authority will deposit \$1,140,000 into an escrow account or County trust account acceptable to the Service and DFG for habitat acquisition and management. If the HCP/NCCP is not completed and no authority established to carry out the conservation strategy in the HCP/NCCP within 2 years, the Service and DFG will have the authority to direct expenditure of the funds to acquire and manage habitat for San Joaquin kit fox. The applicant retains the responsibility for fully funding the required habitat acquisition and management endowment until DFG certifies the mitigation as complete.

#### DETERMINATION

Based on the terms and conditions in the federal biological opinion No. 1-1-04-F-0282, DFG has determined that the project is consistent with CESA because the project and mitigation measures meet the conditions set forth in Fish and Game Code Section 2081 (b) and (c) for authorization of incidental take of species protected under CESA. Important to DFG's findings are several measures from the biological opinion that address expected or potential impacts to San Joaquin kit fox. These include, but are not limited to, the following:

1. State Route 4 Bypass Authority will compensate for impacts to 63.2 acres of grasslands and 25.6 acres of agricultural lands that provide suitable habitat for the San Joaquin kit fox through the conservation and management of at least 88.8 acres of suitable kit fox habitat. Conservation areas will in a location consistent with the conservation strategy drafted for the draft East Contra Costa Habitat Conservation Plan/ Natural Communities Conservation Plan.
2. State Route 4 Bypass Authority will deposit \$1,140,000 into an escrow account or County trust account acceptable to the Service and DFG. These monies will be used to fund the initial 88.8 acre habitat acquisition and to establish an endowment account sufficient to manage the acquired habitat in perpetuity. Land acquisition will be accomplished within 2 years of the date of biological opinion 1-1-04-F-0282. If the HCP/NCCP is not completed and no authority is established to carry out the conservation strategy in the HCP/NCCP within 2 years, the Service and DFG will have the authority to direct expenditure of the funds to acquire and manage habitat for San Joaquin kit fox. The applicant retains the responsibility to fully fund the required habitat acquisition and management endowment until DFG certifies the mitigation as complete.

3. Conservation measures identified in the Service's *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall be fully implemented.

Pursuant to Section 2080.1 of the Fish and Game Code, no further authorization under CESA is required for incidental take of San Joaquin kit fox resulting from this project, provided the project is implemented as described in the biological opinion. If there are any substantive changes to the project as described in the biological opinion, including changes to the mitigation measures, or if the Service amends or replaces the biological opinion, the State Route 4 Bypass Authority will need to obtain a new Consistency Determination or a CESA incidental take permit from the Department.

DFG requests that the Route 4 Bypass Authority provide copies of all annual reports, other monitoring reports, and other circulated materials relevant to the project's effects on San Joaquin kit fox to DFG at the following address or at any substitute location that DFG may subsequently identify.

Central Coast Region  
Department of Fish and Game  
P.O. Box 47  
Yountville, CA 94599

## **DEPARTMENT OF FISH AND GAME**

### **CESA CONSISTENCY DETERMINATION FOR RMC Pacific Materials Sand Mining Project Solano and Contra Costa Counties**

On March 8, 2005, RMC Pacific Materials, Inc. ("RMC") notified the Department of Fish and Game ("Department") that it proposes to rely on authorization granted to the U.S. Army Corps of Engineers by the National Marine Fisheries Service ("NOAA Fisheries") in biological opinion No. 151422SWR2005SR20165:DPR to carry out a project that could adversely affect species protected under both the federal Endangered Species Act ("ESA") and California Endangered Species Act ("CESA"). The project is the mining of approximately 200,000 cubic yards of sand from Middle Ground Shoal in Suisun Bay and 50,000 cubic yards of sand from Benicia Shoal within the Carquinez Strait in 2005 ("project"). These activities could result in "take" of Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley spring-run Chinook salmon (*O. tshawytscha*) as defined by the ESA and the CESA. The project could also adversely affect designated critical habitat for the above-listed fish species.

Pursuant to Fish and Game Code section 2080.1, RMC is requesting that the Department determine that biological opinion No.

151422SWR2005SR20165:DPR is consistent with CESA for the above described project. If the Department determines that the biological opinion is consistent, RMC will not be required to obtain a separate incidental take permit under Fish and Game Code section 2081 for the project.

## **DECISION NOT TO PROCEED**

### **BOARD OF CHIROPRACTIC EXAMINERS**

#### **NOTICE OF DECISION NOT TO PROCEED**

Pursuant to Government Code Section 11347, the Board of Chiropractic Examiners has decided not to proceed with Division 4 of Title 16, Section 306.1, Chiropractic Quality Review Panel. The Board understands that publication of a notice under Section 11347 of the Government Code terminates the effect of the original Notice of Proposed Actions published in the California Regulatory Notice Register (File No. Z04-0823-02) on September 3, 2004.

The Board will also publish this notice of a decision not to proceed on our website.

### **BOARD OF OCCUPATIONAL THERAPY**

#### **NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION**

The California Board of Occupational Therapy has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on September 17, 2004, OAL File #Z04-0907-05, concerning Title 16, section 4124, Persons Exempt From Requirements.

### **CALIFORNIA HORSE RACING BOARD**

#### **NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION RULE 1433. APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING**

Pursuant to Government Code Section 11347(a), the California Horse Racing Board has decided not to proceed with the amendment of rule 1433, Application for License to Conduct a Horse Racing Meeting, of Title 4, Division 4, of the California Code of Regulations.

The notice of proposal to amend rule 1433 was published in the California Regulatory Notice

Register on February 18, 2005, notice file number Z-05-0208-05.

## PROPOSITION 65

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(Proposition 65)

#### NOTICE OF INTENT TO LIST CHEMICALS Extension of Public Comment Period

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65.

On March 4, 2005, OEHHA published a notice in the *California Regulatory Notice Register* (Register 05, No. 9-Z) announcing its intent to list *butyl benzyl phthalate (BBP)*, *di-n-butyl phthalate (DBP)*, *di-n-hexyl phthalate (DnHP)*, and *di-isodecyl phthalate (DIDP)* under Proposition 65 as chemicals known to the state to cause reproductive toxicity in accordance with the regulatory criteria in Section 12306 of Title 22 of the California Code of Regulations. The publication of the notice initiated a 30-day public comment period which would have closed on April 4, 2005. OEHHA has received a request from an interested party seeking an extension of the comment period to allow for the submission of complete and relevant scientific information. OEHHA hereby extends the public comment period for *butyl benzyl phthalate (BBP)*, *di-n-butyl phthalate (DBP)*, *di-n-hexyl phthalate (DnHP)*, and *di-isodecyl phthalate (DIDP)* to 5 p.m., **Tuesday, May 24, 2005**.

Written comments provided in triplicate, along with supporting information, may be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health  
Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5 p.m., Tuesday, May 24, 2005.

## PRECEDENTIAL DECISION INDEX

### DEPARTMENT OF INDUSTRIAL RELATIONS

#### NOTICE OF AVAILABILITY OF THE DEPARTMENT OF INDUSTRIAL RELATIONS' INDEX OF SIGNIFICANT LEGAL AND POLICY DETERMINATIONS CONTAINED IN ITS PUBLIC WORKS COVERAGE PRECEDENTIAL DECISIONS

Cal. Code Regs., Title 2 § 619.7  
Gov. Code § 11425.60(c)

**PLEASE TAKE NOTICE** that the Department of Industrial Relations' Index of Significant Legal and Policy Determinations Contained in its Public Works Coverage Precedential Decisions is available for purchase or you may view them at the Division of Labor Statistics & Research home page at:  
[http://www.dir.ca.gov/DLSR/Statistics\\_research.html](http://www.dir.ca.gov/DLSR/Statistics_research.html)

You may obtain a copy by either calling or writing to:

Maria Y. Robbins, Deputy Chief  
Division of Labor Statistics & Research  
Department of Industrial Relations  
455 Golden Gate Avenue, 8th Floor  
San Francisco, CA 94102  
Phone No.: (415) 703-4870  
Fax No.: (415) 703-4771

This notice is being published pursuant to Title 2, California Code of Regulations, section 619.7, and California Government Code section 11425.60(c).

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of

State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

**AIR RESOURCES BOARD****California Reformulated Gas—Phase 3**

This action eliminates some testing, recording and reporting requirements found to be unnecessary, adds a provision allowing more options for blending gasoline and gasoline containing ethanol, and updates the record keeping requirements applicable to transfers of ethanol for blending with gasoline, tolerances for blending the two, and the procedure for evaluating alternative specifications of Phase 3 Reformulated Gasoline using the California Predictive Model.

## Title 13

California Code of Regulations

AMEND: 2260, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2263, 2265, 2266.5

Filed 03/10/05

Effective 04/09/05

Agency Contact: Tom Jennings (916) 322-2884

**BOARD OF OCCUPATIONAL THERAPY****Continuing Competency**

This regulatory action establishes the continuing competency requirements for occupational therapy practitioners as a condition of renewal of a license or certificate.

## Title 16

California Code of Regulations

ADOPT: 4160, 4161, 4162, 4163

Filed 03/16/05

Effective 04/15/05

Agency Contact: Jeff Hanson (916) 322-3394

**CALIFORNIA ENERGY COMMISSION****Appliance Efficiency**

This regulatory action adopts new energy efficiency standards for specified household and commercial appliances.

## Title 20

California Code of Regulations

AMEND: 1601, 1602, 1603, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608

Filed 03/16/05

Effective 04/15/05

Agency Contact: Jonathan Blees (916) 654-3953

**DEPARTMENT OF HEALTH SERVICES****Nurse to Patient Ratios in General Acute Care Hospitals**

This emergency regulatory action readopts the delay in the implementation of specified nurse to patient ratios scheduled to be effective on January 1, 2005. (Previous OAL file #04-1104-03 E)

## Title 22

California Code of Regulations

AMEND: 70217

Filed 03/10/05

Effective 03/15/05

Agency Contact:

Barbara S. Gallaway (916) 657-3197

**DEPARTMENT OF JUSTICE****Evidence of Residency Documentation**

This regulatory action specifies the documents that satisfy the requirement contained in Penal Code section 12071 (b)(8)(C) to provide evidence of California residency when acquiring a handgun.

## Title 11

California Code of Regulations

ADOPT: 996

Filed 03/15/05

Effective 04/14/05

Agency Contact: Jeff Amador (916) 227-3705

**EMPLOYMENT DEVELOPMENT DEPARTMENT****Taxable Value of Meals and Lodging**

This regulatory action revises the taxable value of food and lodging to reflect increases in the retail food price index and residential rent index which occurred during the fiscal year which ended June 30, 2004.

## Title 22

California Code of Regulations

AMEND: 926.3, 926.4, 926.5

Filed 03/14/05

Effective 03/14/05

Agency Contact: Laura Colozzi (916) 654-7712

**FISH AND GAME COMMISSION****Use of Dip Nets in Commercial Nearshore Fishery**

The regulatory action adds the use of dip nets as an authorized gear in the commercial nearshore fishery for all holders of a Nearshore Fishery Permit.

## Title 14

California Code of Regulations

AMEND: 150

Filed 03/14/05

Effective 04/13/05

Agency Contact: Sherrie Koell (916) 653-4899

**FRANCHISE TAX BOARD****Senior Citizens Homeowners**

This action defines terms, establishes application requirements, specifies acceptable evidence of disability and provides for an opportunity to correct deficiencies, all in connection with an application for senior citizen residential property tax assistance.

## Title 18

California Code of Regulations

ADOPT: 20501, 20502, 20503, 20504, 20505



Filed 03/15/05  
Effective 04/14/05  
Agency Contact:  
Colleen Berwick

(916) 845-3306

OCCUPATIONAL SAFETY AND HEALTH  
(CAL-OSHA) DIVISION  
Conveyance Fees

Labor Code section 7314 authorizes the Division of Occupational Safety and Health to fix and collect fees for the inspection of elevators. Effective January 1, 2003, Labor Code section 7314 was amended to authorize inspection fees for other types of conveyances. This filing is a certificate of compliance for an emergency regulatory action which amended existing section 344.20 of title 8 of the California Code of Regulations to fix fees for other types of conveyances, to increase certain of the existing fees to cover the costs the Division incurs in performing inspections, and to make other minor changes to the regulation. Subsection (d) of Labor Code section 7314 provides that any fees required pursuant to that section shall be adopted as emergency regulations and shall not be subject to review by the Office of Administrative Law.

Title 8  
California Code of Regulations  
AMEND: 344.30  
Filed 03/16/05  
Effective 03/16/05  
Agency Contact:  
Christopher P. Grossgart (415) 703-5080

STATE WATER RESOURCES CONTROL BOARD  
Site-Specific Objectives for Temperature for  
Deer Creek

In this regulatory action, the State Water Resources Control Board submits amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins as adopted by the Central Valley Regional Water Quality Control Board and approved by the State Water Resources Control Board. The amendments establish site-specific objectives for temperature for Deer Creek in El Dorado and Sacramento Counties and provide for a study to evaluate compliance with these site-specific temperature objectives.

Title 23  
California Code of Regulations  
ADOPT: 3944.1  
Filed 03/11/05  
Effective 03/11/05  
Agency Contact: Joanna Jensen (916) 657-1036

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN OCTOBER 27, 2004  
TO MARCH 16, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

03/02/05 AMEND: 1859.73.2, 1859.145.1  
02/28/05 AMEND: 1859.2  
02/28/05 AMEND: 1859.71.3, 1859.78.5  
02/28/05 AMEND: 1859.2  
02/24/05 AMEND: 211  
02/23/05 ADOPT: 1859.90.1 AMEND: 1859.2  
02/15/05 AMEND: 1859.81  
02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2,  
1859.60, 1859.61, 1859.78.6  
02/03/05 AMEND: 1859.106  
01/31/05 AMEND: 1859.2, 1589.33, 1859.35,  
1859.77.3, 1859.82, 1859.83  
01/26/05 ADOPT: 20107  
01/04/05 AMEND: 18703.4, 18730, 18940.2,  
18942.1, 18943  
01/03/05 ADOPT: Division 8, Chapter 108, Sec-  
tion 59530.  
12/31/04 ADOPT: 18229  
12/31/04 AMEND: 18545  
12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND:  
1859.2, 1859.73.2, 1859.79.2, 1859.82,  
1859.83  
12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:  
1859.2, 1859.51, 1859.70, 1859.103,  
12/06/04 AMEND: 1859.2, 1859.51  
11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000  
11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4,  
1866.4.1, 1866.4.2, 1866.4.3, 1866.5,  
1866.5.1, 1866.7, 1866.13  
11/22/04 AMEND: 58700  
11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5,  
561.6, 561.7, 561.8, 561.9, 561.10,  
561.11, 561.12, 561.13, 561.14  
11/10/04 ADOPT: 1859.163.1, 1859.163.2,  
1859.163.3, 1859.164.2, 1859.167.1  
AMEND: 1859.2, 1859.145, 1859.145.1,  
189.160, 1859.161, 1859.162, 1859.163,  
1859.164, 1859.164.1, 1859.165,  
1859.166, 1859.167, 1859.168, 1859.171  
11/09/04 AMEND: 18530.8

11/04/04 AMEND: 1859.71.2, 1859.78.4  
 11/02/04 AMEND: 1859.51, 1859.105  
 11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,  
 1859.73.1, 1859.81, 1859.83, 1859.90,  
 1859.120, 1859.121, 1859.122,  
 1859.122.1, 1859.122.2, 1859.123,  
 1859.124, 1859.124.1, 1859.125,  
 1859.125.1, 1859.126, 1859.127,  
 1859.129, 1859.130

**Title 3**

03/07/05 ADOPT: 1392.8.1(3) AMEND:  
 1392.8.1(2)  
 03/01/05 ADOPT: 796, 796.1, 796.2, 796.3, 796.4,  
 796.5, 796.6, 796.7, 796.8, 796.9  
 AMEND: Article 8 heading REPEAL:  
 795.10, 795.13, 795.14, 795.16, 795.17,  
 795.19, 795.30, 795.32, 795.33, 795.50  
 02/28/05 AMEND: 3430(b)  
 02/24/05 AMEND: 1280.2  
 02/23/05 AMEND: 3423(b)  
 02/15/05 ADOPT: 4603(g)  
 02/02/05 AMEND: 3430(b)  
 01/21/05 AMEND: 3700 (b)(c)  
 01/21/05 ADOPT: 3700  
 01/14/05 AMEND: 3700(c)  
 01/13/05 AMEND: 3962(a)  
 12/20/04 REPEAL: 305, 306  
 11/29/04 AMEND: 3423(b)  
 11/17/04 AMEND: 1703.3  
 11/16/04 AMEND: Subchapter 1.1  
 11/10/04 AMEND: 3601(g)  
 11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
 6784 AMEND: 6000, REPEAL: 6450,  
 6450.1, 6450.2, 6250.3, 6784

**Title 4**

02/28/05 AMEND: 2424  
 02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,  
 7035, 7036, 7037, 7038, 7039, 7040,  
 7041, 7042, 7043, 7044, 7045, 7046,  
 7047, 7048, 7049, 7050  
 02/04/05 AMEND: 1371  
 01/28/05 ADOPT: 12270, 12271, 12272  
 12/23/04 ADOPT: 10163, 10164 AMEND: 10152,  
 10153, 10154, 10155, 10156, 10157,  
 10158, 10159, 10160, 10161, 10162  
 12/20/04 ADOPT: 12200, 12200.1, 12200.3,  
 12200.5, 12200.6, 12200.7, 12200.9,  
 12200.10A, 12200.10B, 12200.10C,  
 12200.11, 12200.13, 12200.14, 12200.15,  
 12200.16, 12200.17, 12200.18, 12200.20,  
 12200.21, 12201, 12202, 12203, 12203A,  
 12203.1, 12203.2, 12203.3, 12203.  
 12/16/04 ADOPT: 10300, 10301, 10302, 10303,  
 10304, 10305, 10306, 10307, 10308,  
 10309, 10310, 10311, 10312, 10313,  
 10314, 10315, 10316, 10317, 10318,

10319, 10320, 10321, 10322, 10323,  
 10324, 10325, 10326, 10327, 10328,  
 10329, 10330, 10331, 10332, 10333,  
 10334, 1

12/16/04 ADOPT: 144

11/29/04 AMEND: 1846.5

11/23/04 ADOPT: 2444 AMEND: 2241, 2242,  
 2243, 2245, 2250, 2270, 2271, 2272,  
 2300, 2401, 2422, 2423, 2424, 2425,  
 2426, 2441, 2442, 2443, 2505, 2507,  
 2511, 2512

11/08/04 ADOPT: 12360, 12370

**Title 5**

02/10/05 ADOPT: 19817.1, 19826.1, 19828.1,  
 19837 AMEND: 19814, 19814.1, 19817,  
 19826, 19828  
 02/09/05 REPEAL: 9540, 9541, 9542, 9543, 9544,  
 9545, 9546, 9547, 9548, 9549, 9550  
 01/31/05 AMEND: 80048.3, 80457, 80523.1 RE-  
 PEAL: 80413.1  
 01/19/05 ADOPT: 19814.1, 19832, 19833, 19834,  
 19835, 19836 REPEAL: 19814  
 01/10/05 ADOPT: 3088.1, 3088.2  
 12/08/04 ADOPT: 9517.1 AMEND: 9515, 9517  
 11/16/04 ADOPT: 80089.3, 80089.4  
 11/15/04 ADOPT: 6116, 6126 AMEND: 6100,  
 6115, 6125  
 11/09/04 ADOPT: 14105  
 11/04/04 AMEND: 11981, 11985  
 11/02/04 AMEND: 58311, 58316

**Title 7**

12/06/04 AMEND: 213, 218

**Title 8**

03/16/05 AMEND: 344.30  
 03/08/05 AMEND: 15220, 15220.1, 15220.3,  
 15220.4  
 03/07/05 AMEND: 5144  
 02/28/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,  
 9767.5, 9767.6, 9767.7, 9767.8, 9767.9,  
 9767.10, 9767.11, 9767.12, 9767.13,  
 9767.14  
 02/04/05 AMEND: 5146  
 01/26/05 AMEND: 3456  
 01/26/05 AMEND: 5144  
 01/24/05 AMEND: 3427  
 12/31/04 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,  
 9768.5, 9768.6, 9768.7, 9768.8, 9768.9,  
 9768.10, 9768.11, 9768.12, 9768.13,  
 9768.14, 9768.15, 9768.16, 9768.17  
 12/31/04 ADOPT: 9785.4, AMEND: 9725, 9726,  
 9727, 9785, 9785.2, 9785.3, 9805, 10150,  
 10152, 10156, 10158, 10160, 10163,  
 10165.5 REPEAL: 10151, 10154  
 12/30/04 AMEND: 3380(d)

12/27/04 ADOPT: 32032, 32033, 32034, 32035, 81000, 81005, 81010, 81020, 81030, 81040, 81050, 81055, 81060, 81065, 81070, 81075, 81080, 81090, 81100, 81105, 81110, 81115, 81120, 81125, 81130, 81135, 81140, 81145, 81150, 81155, 81160, 81165, 81170, 81175, 81180,  
12/15/04 AMEND: 9789.11  
12/15/04 ADOPT: 9788.01, 9788.1, 97883.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91  
12/09/04 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10, 9792.11 REPEAL: 9792.6  
12/08/04 AMEND: 1602(a)  
12/08/04 AMEND: 3210, 3212  
12/07/04 AMEND: 3314  
11/09/04 AMEND: 6777  
11/03/04 AMEND: 1541(l)(1)  
11/03/04 AMEND: 15220, 15220.1, 15220.3, 15220.4  
11/01/04 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14

**Title 9**

01/25/05 AMEND: 9525  
12/06/04 ADOPT: 9805, 9868 AMEND: 9801, 9801.5, 9804, 9812, 9820, 9824, 9848, 9867, 9878  
10/28/04 AMEND: 9525

**Title 10**

03/02/05 AMEND: 2318.6, 2353.1, 2354  
02/09/05 AMEND: 260.165  
01/14/05 AMEND: 2498.6  
01/07/05 ADOPT: 2699.6608 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.209, 2699.400, 2699.401, 2699.6500, 2699.6600, 2699.6606, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6619, 2699.6625, 2699.6631, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.  
12/28/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41 REPEAL: 2698.42, 2698.43, 2698.44, 2698.45  
12/27/04 AMEND: 4010, 4011, 4013, 4016, 4018, 4019, 5000, 5001, 5002, 5003, 5005, 5006, 5007, 5008, 509, 5010, 5013, 5020, 5050, 5051, 5060, 5061, 5070, 5101, 5110, 5111, 5112, 5113, 5114, 5115, 5116, 5117, 5118, 5119, 5260, 5261, 5262, 5263, 5264, 5266, 5267, 5

12/27/04 AMEND: 2580.1, 2580.2, 2580.3, 2580.4, 2580.5, 2580.6, 2580.7, 2580.8, 2580.9  
12/22/04 AMEND: 2498.4.9, 2498.5  
12/22/04 AMEND: 2498.5  
12/21/04 AMEND: 2498.4.9, 2498.5  
12/21/04 AMEND: 2498.4.9, 2498.5  
12/21/04 AMEND: 2498.4.9, 2498.5  
12/17/04 ADOPT: 2194., 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
11/19/04 ADOPT: 2361  
10/27/04 AMEND: 260.102.14

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02/18/05 AMEND: 63.5  
02/16/05 AMEND: 995.5  
01/26/05 AMEND: 1080  
01/19/05 ADOPT: 968.97, 968.99 AMEND: 968.20, 968.35, 968.44, 968.60  
01/05/05 ADOPT: 51.22  
01/03/05 AMEND: 51.17  
01/03/05 AMEND: 26.4  
12/07/04 AMEND: 51.16  
11/01/04 ADOPT: 4001, 4002, 4003, 4004, 4005, 4006 AMEND: 984.1

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02/22/05 AMEND: 220.04, 220.12, 221.12  
02/08/05 AMEND: 330.32  
02/02/05 AMEND: 124.92, 124.93  
01/31/05 AMEND: 1956.1, 1956.2, 1956.3, 1956.4  
01/27/05 ADOPT: 2485  
01/26/05 ADOPT: 15.07  
01/07/05 AMEND: 1969  
01/04/05 AMEND: 553.70  
12/28/04 AMEND: 1  
12/27/04 ADOPT: 150.06  
12/27/04 ADOPT: 1971  
12/23/04 AMEND: 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.6, 1151.7, 1151.8, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1152.2, 1152.3, 1152.4, 1152.4.1, 1152.6, 1152.7, 1152.7.1, 1152.8  
12/22/04 ADOPT: 151.00  
12/16/04 AMEND: 2284  
12/15/04 ADOPT: 154.00  
12/09/04 ADOPT: 423.00  
12/02/04 ADOPT: 120.01 AMEND: 120.00, 120.02, 120.04  
12/02/04 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2709

11/10/04 ADOPT: 2477  
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03/08/05 AMEND: 29.05, 29.40, 30.00, 120.7, 122, 123, 149, 165, 180, 630, 632, 747, REPEAL: 27.20, 27.25, 27.30, 27.35, 27.40, 27.42, 27.45, 27.50, 27.51, 630.5  
03/01/05 AMEND: 52.10, 150.16  
02/28/05 ADOPT: 125  
02/28/05 AMEND: 670.5  
02/22/05 ADOPT: 1052.4 AMEND: 895.1, 1052, 1052.1  
01/31/05 AMEND: 17943, 17944  
01/28/05 ADOPT: 3806.3, 3806.5  
01/11/05 ADOPT: 25201  
01/10/05 ADOPT: 800.6 AMEND: 800, 800.5, 801, 802  
01/07/05 ADOPT: 1038(i) AMEND: 1038(e)  
12/27/04 ADOPT: 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289 REPEAL: 11325  
12/27/04 AMEND: 1.91, 27.60, 27.65, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.56, 28.58, 28.90  
12/22/04 ADOPT: 18456.2.1, 18460.2.1 AMEND: 18449, 18450, 18451, 18456, 18459, 18459.1, 18459.2.1, 18459.3, 18461, 18462  
12/21/04 AMEND: 7.50(b)(180)  
12/21/04 AMEND: 851.50, 851.51, 851.51.1, 851.54  
12/13/04 AMEND: 180.1, 108.3  
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12/07/04 AMEND: 195  
11/22/04 AMEND: 670.5  
11/10/04 AMEND: 630  
11/08/04 ADOPT: 5.26 AMEND: 4.15, 5.25  
11/08/04 ADOPT: 3696.5  
11/04/04 AMEND: 502  
11/04/04 AMEND: 550, 551, 552  
11/03/04 AMEND: 163, 164  
11/02/04 AMEND: 2525  
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01/25/05 ADOPT: 4750, 4750.1 AMEND: 4751

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12/30/04 AMEND: 3097  
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12/27/04 ADOPT: 2251.5 AMEND: 2041, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701  
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12/09/04 AMEND: 2253  
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03/08/05 ADOPT: 2624.1 AMEND: 2604, 2615, 2624  
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01/24/05 AMEND: 1379.20  
01/20/05 AMEND: 3008, 3031, 3041, 3042, 3062.1  
01/13/05 AMEND: 1588  
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12/29/04 AMEND: 2526, 2529, 2532, 2533, 2534, 2581, 2584, 2586, 2587, 2588, 2588.1  
12/22/04 AMEND: 1536  
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12/10/04 AMEND: 1397.62  
12/09/04 ADOPT: 1398.26.5 AMEND: 1398.26  
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11/08/04 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4216, 4218, 4220, 4222, 4224, 4226, 4230, 4232, 4234, 4236, 4240, 4242, 4244, 4246, 4248, 4250, 4252, 4254, 4256, 4258, 4260, 4262, 4264, 4266, 4268

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01/06/05 AMEND: 94011

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03/08/05 AMEND: 1610

03/03/05 AMEND: 1620

02/18/05 AMEND: 305.3

02/17/05 AMEND: 1045

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02/15/05 AMEND: 1525.3

02/08/05 AMEND: 1802

01/28/05 AMEND: 25130, 25137

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01/04/05 AMEND: 5060, 5061, 5062, 5063, 5064

12/27/04 ADOPT: 4056.1

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11/18/04 AMEND: 462.500

11/16/04 AMEND: 18001-1

11/12/04 AMEND: 1532

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10/28/04 AMEND: 1.09, 3.24, 904.4, 1918.35, 1918.37 REPEAL: 1918.17

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03/16/05 AMEND: 1601, 1602, 1603, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608

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02/22/05 ADOPT: 2.3.1 AMEND: 1.1, 2.2, 2.3, 8.2, 14.5, 15, 17.1, 30, 31, 45, 47, 48, 51.1, 75, 77.2, 82, 86.2, 88

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03/14/05 AMEND: 926.3, 926.4, 926.5

03/10/05 AMEND: 70217

03/03/05 REPEAL: 12901

01/27/05 ADOPT: 51000.10.1, 51000.15.1, 51000.20.9, 51000.31, 51000.51, 51000.52, 51000.53, 51000.60 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000.35, 51000.40, 51000.45, 51000.50, 51000.55, 51051, 51451

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01/03/05 AMEND: 50960, 50961

12/27/04 AMEND: 12000

12/27/04 AMEND: 4402.2

12/27/04 AMEND: 66260.201, Appendix X to chapter 11

12/23/04 AMEND: 12705, 12805

12/02/04 ADOPT: 3254-4 AMEND: 2712-1, 2712-2, 3253-1, 3254-2

11/12/04 AMEND: 70217

11/09/04 ADOPT: 3261-1, 3262-2 AMEND: 3254-3, 3258-1, 3258-2, 3260-1, 3262-1

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11/04/04 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8

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03/11/05 ADOPT: 3944.1

02/08/05 ADOPT: 3939.12

01/21/05 ADOPT: 3965

01/05/05 ADOPT: 3939.12

12/23/04 AMEND: 3978

12/13/04 ADOPT: 2916  
 12/03/04 ADOPT: 3420, 3421, 3422, 3423, 3424,  
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02/02/05 ADOPT: 1338.1, 1443.1 AMEND: 1338  
 11/01/04 AMEND: 7002, 7005, 7006, 7008, 7012,  
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12/13/04 AMEND: 21570  
 11/16/04 AMEND: 10017(b)

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02/03/05 AMEND: 1000  
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